U.S. Patent Application Serial No. 10/806,830
Title: Interactive Program Guide with Preferred Items List Apparatus and Method
Applicant: Nishikawa et al.; Filing Date: March 23, 2004
Document: Response to Office Action of July 7, 2010

Attorney Docket No. 81233 7114

REMARKS/ARGUMENTS

The Applicants hereby thank the Examiner for the observations in the outstanding Office Action and for withdrawing Hassell et al. (US 2004/0107439) as a cited reference. Applicants further thank Examiner Taylor and Supervisory Examiner Hirl for participating in the interview conducted on September 15, 2010 which is summarized above. Claims 1, 10, 15, and 16 are herein amended and Claims 17-20 are herein newly added, consistent with the un-entered January 11, 2010, Amendment E, additionally Claims 21 and 22 are herein newly added, without adding any new matter, to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended. The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Furthermore, the specification has been amended without adding new matter. Support for these amendments may be found in the priority document, U.S. Provisional Patent Application Serial No. 60/520,752, entitled "Ring Interface for TV Programming Guide" (see at least, Page 8, lines 7-26 and Page 10, lines 15-23). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Rejection of Claims 1-2, 8-12, 15, and 16 under 35 U.S.C. §103(a)

Claims 1-2, 8-12, 15, and 16 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Ellis et al. (US 2004/0117831), in view of Robarts et al. (US 2005/0278741), and in further view of Westberg (US 2005/0102696). The Applicants respectfully traverse these grounds for rejection on this basis. Independent Claims 1, 10, 15, and 16 are herein amended by inserting the language for the step of "automatically purging the information in response to a predetermined trigger for facilitating display of recently relevant content, whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading," as fully supported by the originally filed

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Specification (Paras. 24, 25, and 48).

With respect to the primary cited reference, Ellis merely discloses "[a] system for providing interactive television program guide features and other features and information related to a specific user interest or programming category in niche hubs is provided. All of the television programming features provided by user television equipment that relate to a specific user interest or programming category may be accessed from the niche hub. For example, a movie lovers niche hub may provide programming features such as television program listings for movies, video-on-demand listings for movies, pay-per-view listings for movies, web site links related to movies, movie-related merchandise, movie news groups, movie chat groups, movie e-mail clubs, movie contests, movie trivia questions, movie actor interviews, movie reviews, movie channel package ordering, etc. ...." (Abstract).

With respect to the secondary cited reference, Robarts merely discloses "[a]n electronic program guide (EPG) organizes and presents programming information to the viewer and allows for creation of queries to facilitate both simple and complex searches of the programming information. According to one aspect, the EPG is configured to automatically identify programs that a viewer is likely to prefer. The EPG collects viewing preferences of a viewer and, based upon ... these viewing preferences, automatically develops queries for identifying programs that the viewer is likely to want to watch ...." (Abstract).

With respect to the tertiary cited reference, Westberg merely discloses "[a]n interactive television program guide application is provided that queries a user regarding the user's interest in television programs and suggests television programs to the user based the user's responses. The interactive television program guide application identifies a television program that is potentially of interest to the user. The interactive television program guide application then queries the user regarding the user's interest using questions that are formulated based on attributes associated with the identified television program. Using the user's responses to the questions, the interactive television program guide application identifies and suggests one or more television programs to the user." (Abstract).

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Regarding the cited art, the Examiner has conceded on the record that "[t]he combined teaching of Ellis and Robarts does not disclose providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user, nor does it disclose wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media, wherein the plurality of cascading filters simultaneously considers content across the plurality of media."

In contrast to the cited art, the present invention methods each involve the following salient feature, *inter alia*: "providing a plurality of *cascading filters* for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of *cascading filters* being customizable for each at least one user[,]" "wherein the plurality of *cascading filters* simultaneously considers content across the plurality of media," and "*automatically adding information corresponding to a particular one of the plurality of discrete selectable items* of audio/visual content to the updatable list of preferred items of audio/visual content *when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time*[,]"and "*automatically purging the information in response to a predetermined trigger* for facilitating display of recently relevant content, *whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading*[.]" By automatically purging information, the present invention provides **a temporary tool for supporting a present browsing activity**, thereby **eliminating the need for any related art long-term filter mechanisms**. Nowhere in the cited art can any teaching, suggestion, motivation, or other obviation be found for combining the foregoing claimed features.

For example, neither of the references describe or suggest "automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined

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length of time" as recited in claim 1.

In asserting that the cited combination describes this limitation the Examiner admits that neither Ellis nor Roberts disclose this limitation and instead relies on Westberg as disclosing the limitation (Office Action, pg. 10). However, Applicants respectfully submit that Westberg similarly fails to describe or suggest this limitation. More specifically, the cited portions of Westberg, as well as the reference in its entirety, describe monitoring whether a user watches a program for more than a predetermined period of time (see Westberg, [0091]-[0092]). That is, in Westberg once the item has been selected for viewing by the user and is being viewed, the system monitors to determine whether the user views the program for a certain amount of time, such information is then added to a preferred items list for future recommendation of other items to the user (see Westberg, [0099]). This is different than what is recited in claim 1, i.e. "automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time". Instead, Westberg's system is dealing with already selected items, being viewed by the user, for future recommendation of other programs to the user.

Similarly, neither of the references describes "automatically purging the information in response to a predetermined trigger for facilitating display of recently relevant content, whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading." As pointed out by the Examiner neither Ellis nor Roberts disclose an updatable list as recited in claim 1. Further, Westberg's preferred items list which the Examiner equates with the recited "updatable list" is specifically created for future use to provide future recommendation of programs to the users (see Westberg, [0099]), and therefore provides a long term tool for recommendation to the user, and does not provide a temporary tool for supporting a present browsing activity as recited in claim 1.

As such, the Applicants respectfully submit that the cited art does not teach, suggest,

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motivate, or otherwise obviate the combination of elements and limitations, *inter alia*, as respectively recited in herein amended independent Claims 1, 10, 15 and 16, the salient features being emphasized as follows:

1.   A method of using an interactive program guide, comprising the steps of:
        providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs;
        displaying an interactive program guide comprising at least one of the characterizing descriptors as corresponds to a particular one of the discrete selectable audio/visual programs;
        providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user;
        detecting preliminary selection of a particular one of the discrete selectable audio/visual programs to provide a preliminarily selected audio/visual program;
        when a user selects the preliminarily selected audio/visual program, automatically taking a first predetermined action with respect to the preliminarily selected audio/visual program;
        when a user preliminarily selects a different one of the plurality of discrete selectable audio/visual program, automatically taking a second predetermined action with respect to the preliminarily selected audio/visual program, which second predetermined action is different than the first predetermined action;
        when a user takes an action with respect to the preliminarily selected audio/visual program, which action does not comprise either selecting the preliminarily selected audio/visual program or preliminarily selecting a different audio/visual program, automatically taking a third predetermined action with respect to the preliminarily selected audio/visual program, which third predetermined action is different than the first and the second predetermined action;
        automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time; and
        automatically purging the information in response to a predetermined trigger for facilitating display of recently relevant content, whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading;
        wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media,
        wherein the plurality of cascading filters simultaneously considers content across the plurality of media,
        wherein the step of automatically taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items,
        wherein the step of automatically taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program, and
        wherein the step of automatically taking a third predetermined action comprises displaying the list of preferred items. [emphasis added]

10.   A method of providing an interactive programming guide, comprising the steps of:
        providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content;
        providing an updatable list of preferred items of audio/visual content;
        displaying an interactive programming guide comprising at least one of the characterizing descriptors;
        providing a plurality of cascading filters for facilitating determination of a

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particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user;

providing an area of visual focus on a particular displayed one of the characterizing descriptors;

in response to a first signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updatable list of preferred items of audio/visual content;

in response to a second signal that is different from the first signal, moving the area of visual focus to a different one of the characterizing descriptors;

in response to a third signal that is different from both the first signal and the second signal, displaying the updatable list of preferred items of audio/visual content;

automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time; and

automatically purging the information in response to a predetermined trigger for facilitating display of recently relevant content, whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading;

wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media, and

wherein the plurality of cascading filters simultaneously considers content across the plurality of media. [emphasis added]

15. A method of using an interactive program guide, comprising the steps of:

providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs;

displaying an interactive program guide comprising at least one of the characterizing descriptors as corresponds to a particular one of the discrete selectable audio/visual programs;

providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user;

detecting preliminary selection of a particular one of the discrete selectable audio/visual programs to provide a preliminarily selected audio/visual program;

determining when the user selects the preliminarily selected audio/visual program by detecting when the user asserts a selection action at a time when a characterizing descriptor as corresponds to the preliminarily selected audio/visual program occupies, at least in part, a same portion of a display as a predetermined area of visual focus;

when a user selects the preliminarily selected audio/visual program, automatically taking a first predetermined action with respect to the preliminarily selected audio/visual program;

when a user preliminarily selects a different one of the plurality of discrete selectable audio/visual program, automatically taking a second predetermined action with respect to the preliminarily selected audio/visual program, which second predetermined action is different than the first predetermined action;

when a user takes an action with respect to the preliminarily selected audio/visual program, the action not comprising either selecting the preliminarily selected audio/visual program or preliminarily selecting a different audio/visual program, automatically taking a third predetermined action with respect to the preliminarily selected audio/visual program, which third predetermined action is different than the first and the second predetermined action;

automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual

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content for greater than a predetermined length of time; and

automatically purging the information in response to a predetermined trigger for facilitating display of recently relevant content, whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading;

wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs comprise at least one element selected from a group consisting essentially of a programming network identifier, a broadcast starting time, a description of audio/visual content as corresponds to the audio/visual program, and an audio/visual program media source,

wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media,

wherein the plurality of cascading filters simultaneously considers content across the plurality of media,

wherein the step of automatically taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items,

wherein the step of automatically taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program,

wherein the step of automatically taking a third predetermined action comprises displaying the list of preferred items, and

wherein the step of detecting preliminary selection of a particular one of the discrete selectable audio/visual programs further comprises detecting at least a predetermined relationship between a present position of one of the characterizing descriptors as corresponds to the particular one of the discrete selectable audio/visual programs and an area of visual focus. [emphasis added]

16.   A method of providing an interactive programming guide, comprising:

providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content;

providing an updatable list of preferred items of audio/visual content;

displaying an interactive programming guide comprising at least one of the characterizing descriptors;

providing a plurality of cascading filters for facilitating determination of a particular one of the discrete selectable audio/visual programs, the plurality of cascading filters being customizable for each at least one user;

providing an area of visual focus on a particular displayed one of the characterizing descriptors;

in response to a first signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updatable list of preferred items of audio/visual content;

in response to a second signal that is different from the first signal, moving the area of visual focus to a different one of the characterizing descriptors;

in response to a third signal that is different from both the first signal and the second signal, displaying the updatable list of preferred items of audio/visual content;

receiving at least one of the first signal, the second signal, and the third signal from a remote control device;

automatically adding information corresponding to a particular one of the plurality of discrete selectable items of audio/visual content to the updatable list of preferred items of audio/visual content when the area of visual focus is on a characterizing descriptor as corresponds to the particular one of the plurality of discrete selectable items of audio/visual content for greater than a predetermined length of time; and

automatically purging the information in response to a predetermined trigger for facilitating display of recently relevant content, whereby a temporary tool for supporting a present browsing activity is provided, and whereby the viewer is relieved of memorization and corresponding cognitive loading;

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wherein the response to the third signal further comprises not displaying characterizing descriptors as correspond to items of audio/visual content that are not on the list of preferred items of audio/visual content,

wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media, and

wherein the plurality of cascading filters simultaneously considers content across the plurality of media. [emphasis added]

Consequently, Claims 2 and 8-12 now subsume the limitations of their respective base claims by dependency thereto.

Thus, the Applicants respectfully submit that Claims 1-2, 8-12, 15, and 16 have not been taught, suggested, motivated, or otherwise obviated by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection on this basis are withdrawn and that Claims 1-2, 8-12, 15, and 16 are passed to allowance in due course.

New Claims

Newly submitted claims 17-22 are believed to be allowable because they are directed to that which is not shown or suggested in the prior art and further for the reasons described above due to their dependence on allowable independent claims.

Support for the new claims can be found variously throughout the specification and drawings as filed, and specifically in paragraphs [0024], [0025], [0042] and [0048] of the specification as filed.

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CONCLUSION

Accordingly, Claims 1, 10, 15, and 16 have been herein amended and Claims 17-22 have been herein newly added to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended. The Applicants respectfully reassert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. *The Examiner is further cordially invited to telephone the undersigned for any reason which would advance allowance of the pending claims.* In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: _10/7/2010____

_/ThomasFLebens38221/_____
Thomas F. Lebens
Reg. No. 38,221
Attorney for Applicant

Address all correspondence to:
Thomas F. Lebens
FITCH, EVEN, TABIN & FLANNERY, LLP
Suite 1600, 120 South LaSalle Street
Chicago, Illinois 60603

Direct telephone inquiries to:
Thomas F. Lebens
(805) 781-2865

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